

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI
SOUTHERN DIVISION**

UNITED STATES OF AMERICA

Plaintiff,

v.

STANLEY YAZZIE

Defendant.

)
)
)
)
)
)
)
)
)
)

Case No. 6:07-CV-03089-MDH

ORDER

Before the Court is the Report and Recommendation of the Magistrate Judge. (Doc. 69) The Magistrate Judge recommends that Defendant's *pro se* Motion for Bi-Annual Conditional Release Discharge Hearing Pursuant to 18 U.S.C. § 247(h) [sic] (Doc. 68) be denied because Defendant's counsel did not file the motion.

Under 18 U.S.C. § 4247(h), "counsel for the person or his legal guardian may, at any time during such person's commitment, file with the court that ordered the commitment a motion for a hearing to determine whether the person should be discharged from such facility . . ." Defendant himself is not authorized under § 4247 to file a motion for a hearing.

After careful review, the Court concurs with the Magistrate Judge's legal conclusion and hereby **ADOPTS** his Report and Recommendation. The Court **DENIES** Defendant's Motion as unauthorized under 18 U.S.C. § 4247(h).

IT IS SO ORDERED.

DATED: May 6, 2019

/s/ Douglas Harpool

DOUGLAS HARPOOL

UNITED STATES DISTRICT JUDGE